



Crl.O.P.No.7990 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(1) of IPC in Crime No.42 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Nithya is that the marriage was solemnised between the first petitioner and the defacto complainant in the year 2019 and due to some misunderstanding, they got separated. During such time, on 18.02.2023 at about 2.30 p.m, the petitioner along with his brother went to the house of the defacto complainant and asked to give her daughter and when the same was refused by the defacto complainant, a wordy quarrel arose between them, for which, the petitioners attacked the defacto complainant with wooden log on his head and lips and thereby caused injuries to her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to wordy quarrel with regard to the custody of



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the child, the parents of the defacto complainant has roped a false case against him. He further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that there was a wordy quarrel on account of dispute regarding the custody of the child between the first petitioner and the defacto complainant, in which, the the petitioner attacked her with wooden log on head and lips and caused injuries to her. He further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate Court, Vedaranyam**, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioners shall report before the respondent police at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m, until further orders.**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.04.2023

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